

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emily Hebert	Team: Squad #2	CCRB Case #: 201802713	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/06/2018 8:00 PM	Location of Incident: 163-07 Baisley Boulevard	Precinct: 113	18 Mo. SOL 10/6/2019	EO SOL 10/6/2019	
Date/Time CV Reported Mon, 04/09/2018 10:04 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/09/2018 10:04 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Yevgeniy Zaytsev	12848	949825	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christophe Macaluso	07382	955107	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Yevgeniy Zaytsev	Abuse: Police Officer Yevgeniy Zaytsev threatened to seize § 87(2)(b) s property.	

## Case Summary

On April 9, 2018, § 87(2)(b) filed this complaint with the CCRB by phone. The case was forwarded to the Mediation Unit on April 19, 2018, but was returned to the Investigations Unit on July 19, 2018 at the request of § 87(2)(b).

On April 6, 2018, at approximately 8:00 p.m., at 163-07 Baisley Boulevard in Queens, § 87(2)(b) double parked his vehicle in front of a restaurant and went inside the restaurant. While exiting the restaurant, § 87(2)(b) saw Police Officer Yevgeniy Zaytsev and Police Officer Christopher Macaluso of the 113<sup>th</sup> Precinct. Police Officer Zaytsev asked to see § 87(2)(b)'s driver's license and, after § 87(2)(b) initially refused, threatened to tow § 87(2)(b)'s car if he did not give him his license (**Allegation A – Abuse of Authority – Threat to damage/seize property**). § 87(2)(b) provided his license. Police Officer Zaytsev ultimately issued § 87(2)(b) a § 87(2)(b) (Board Review 01).

Video evidence of a portion of this incident was provided to the CCRB by § 87(2)(b). The video begins after the alleged threat to seize § 87(2)(b)'s vehicle. The video is attached to IA #8 (Board Review 02).

## Findings and Recommendations

### Allegation (A) Abuse of Authority: Police Officer Yevgeniy Zaytsev threatened to seize § 87(2)(b)'s property.

§ 87(2)(b) was interviewed at the CCRB on April 11, 2018.

§ 87(2)(b) acknowledged during his CCRB interview that during the incident, he was double parked in front of 163-07 Baisley Boulevard, which blocked traffic and prevented cars from driving down Baisley Boulevard in the correct lane of traffic, and left it unattended for five to seven minutes. When he returned, Police Officer Zaytsev requested § 87(2)(b)'s driver's license, which § 87(2)(b) initially refused to provide. In response, Police Officer Zaytsev allegedly threatened to tow § 87(2)(b)'s vehicle if § 87(2)(b) did not give him his license.

The narrative in the summons issued to § 87(2)(b) by Police Officer Zaytsev states that § 87(2)(b)'s vehicle was double parked and unattended, which was blocking an emergency vehicle and other traffic and causing public annoyance. Police Officer Zaytsev's memo book entry regarding the incident also states that § 87(2)(b)'s vehicle, which was double parked and unattended, was in the way of an emergency vehicle and causing traffic in the street (Board Review 08).

New York Penal Law Section 240.20 subsection 5 states that a person is guilty of disorderly conduct when he or she, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, obstructs vehicular traffic (Board Review 03). According to the New York City Police Department Patrol Guide Procedure 209-09, when issuing a summons returnable to the Traffic Violations Bureau or Criminal Court, an officer should remove the

violation to his or her command for investigation if doubt concerning the violator's identity exists (Board Review 04).

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the fifth CCRB complaint to which § 87(2)(b) has been a party (Board Review 05). § 87(2)(b)
- Police Officer Zaytsev has been a member of service for eight years, and has been a subject in twenty-two prior CCRB allegations in twelve complaints, one of which was substantiated. In Case # 201411788, an allegation of a vehicle stop was substantiated and charges were recommended. The charges resulted in a Not Guilty disposition after an Administrative Prosecution Unit trial. § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) initially accepted mediation for this complaint. After scheduling and canceling two mediation sessions, § 87(2)(b) requested an investigation in lieu of mediation.
- On July 24, 2018, an inquiry was sent to the Comptroller's Office of the City of New York to determine whether a Notice of Claim was filed for this incident. The inquiry results would be added to the case file upon receipt (Board Review 06).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date